

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

**REQUEST FOR CORRECTION OF  
FILING DATE**

Docket Number:  
22750/500

Application Number  
**09/960213**

Filing Date  
**September 13, 2001**

Examiner  
**Laura C. COLE**

Art Unit  
**1744**

Invention Title  
**WRINGING DEVICE FOR CLEANING  
ELEMENTS OF WET AND MOIST MOPS**

Inventor(s)  
**Uwe DINGERT**

Address to:  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date:

*April 5, 2004*

Signature:

*[Signature]*  
Richard M. Rosati (Reg. No. 31,792)

Sir:

Applicant petitions that the filing date for the above-identified application be corrected to **September 13, 2001** in view of the following facts:

The above-identified application claims foreign priority benefits under 35 U.S.C. 119 of German Patent Application No. 100 45 525.5 filed on September 13, 2000. Accordingly, the time limit to claim foreign priority benefits under 35 U.S.C. 119 expired on September 13, 2001. On September 13, 2001, the Director issued a notice-designating the interruption in the service of the U.S. Postal Service in the borough of Manhattan, starting on September 12, 2001, as a postal service interruption and emergency within the meaning of 35 U.S.C. 21(a). A copy of the notice from the United States Patent and Trademark Office website is attached hereto as **Exhibit A**. In accordance with the provisions set forth in 37 C.F.R. 1.6(e), applicant filed the above-identified application in the United States Patent and Trademark Office by "Express Mail Post Office to Addressee" service promptly after the ending of the designated interruption, on September 21, 2001. In accordance with the provisions set forth in 37 C.F.R. 1.6(e), applicant also submitted with the above-identified application a statement indicating that the application would have been filed on September 13, 2001 if it were not for the interruption in the United States Postal Service. A copy of the statement is attached hereto as **Exhibit B**.

In view of the foregoing, applicant respectfully requests that the filing date for the above-identified application be corrected to **September 13, 2001** and that all Patent Office records be corrected accordingly.

No fee is believed to be required for the filing of this Petition. However, if any fees are required, they should be charged to Kenyon & Kenyon Deposit Account No. 11-0600.

Dated: *April 15, 2004*

By: 

Richard M. Rosati (Reg. No. 31,792)

KENYON & KENYON  
One Broadway  
New York, N.Y. 10004  
(212) 425-7200 (telephone)  
(212) 425-5288 (facsimile)



## UNITED STATES POSTAL SERVICE INTERRUPTIONS

### UNITED STATES POSTAL SERVICE INTERRUPTION AND EMERGENCY

The United States Postal Service (USPS) has informed the United States Patent and Trademark Office (USPTO) that as a result of the tragic event in New York City on September 11, 2001, all post offices in the borough of Manhattan are closed on September 12, 2001. These post offices will remain closed until further notice.

The USPTO is designating the interruption in the service of the USPS in the borough of Manhattan as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a). Accordingly, the USPTO will consider the provisions of 37 C.F.R. 1.6(e) as now in effect. As soon as the USPTO receives further information from the USPS as to when postal services in the borough of Manhattan will be resumed, the USPTO will post the information on the USPTO website at [www.uspto.gov](http://www.uspto.gov) and a final notice will be published in the Official Gazette regarding the postal interruption in New York City.

It would be appreciated if members of the public would bring to the USPTO's attention any other post office closings related to current events. Such information can be brought to the USPTO's attention by contacting Eugenia Jones by e-mail at [eugenia.jones@uspto.gov](mailto:eugenia.jones@uspto.gov) or telephone at 703-306-5586, or by contacting Carol Smith by e-mail at [carol.smith@uspto.gov](mailto:carol.smith@uspto.gov) or by telephone at 703-308-8910 (ext 149).

### UNITED STATES POSTAL SERVICE INTERRUPTIONS RELATING TO EXPRESS MAIL SERVICE

#### **Where the USPS refuses to accept the deposit of mail for delivery by express mail.**

In some cases, due to the recent emergency, certain post offices are refusing to accept the deposit of mail for delivery by Express Mail service. The USPTO is also designating this interruption in the Express Mail service of the USPS as a postal service interruption within the meaning of 35 U.S.C. 21(a) and 37 C.F.R. 1.6(e). In addition, if a party attempts to deposit correspondence for delivery to the USPTO with the USPS by Express Mail under 37 CFR 1.10 ("Express Mail Post Office to Addressee") and the USPS refuses to accept such correspondence, the party is advised to take the following action: mail the correspondence to the USPTO by registered or first class mail with a statement by the person who originally attempted to deposit the correspondence with the USPS by Express Mail. The statement must indicate the date on which the person attempted to deposit the correspondence with the USPS and that the USPS refused to accept the correspondence. The statement must be signed in accordance with 37 CFR 10.18. The correspondence should be mailed as set out in 37 CFR 1.1(a) and include the special box designation: BOX FILING DATE.

#### **Where mail is put into an Express Mail "Drop Box" and given an incorrect "date in".**

In some cases a person may use an Express Mail "drop box" without realizing that the local post office is not accepting Express Mail. In that situation, the provisions of 37 CFR 1.10(d) may apply. Usually 37 CFR 1.10(d) is invoked where correspondence is placed in an Express Mail "drop box" prior to the last pick up that is scheduled for the drop box for that day, but the USPS enters an incorrect "date-in" on the Express Mail mailing label, usually the next day's date. To invoke 37 CFR 1.10(d), however, a petition must be corroborated either by evidence from the USPS or by evidence that came into being after deposit and within one business day of the deposit of the correspondence in the Express Mail drop box (e.g., a copy of a log book indicating that the correspondence was deposited on the date in question). See MPEP 513 and TMEP 702.02(e).

## Alternative Procedure Invoking "Extraordinary Circumstances"

If a party can demonstrate that due to extraordinary circumstances the above procedures could not be followed, it will be necessary to file a petition under 37 C.F.R. 1.183 (patent matter) or 2.146(a)(5) and 2.148 (trademark matter) to waive the requirements of 37 C.F.R. 1.10 to permit the USPTO to accord the correspondence a filing date as of the date that Express Mail deposit was attempted. Such a petition must be accompanied by a statement by the person who originally attempted to deposit the correspondence with the USPS by Express Mail, stating the date that the deposit was attempted and that the USPS refused to accept the correspondence, and be signed by such person subject to the conditions prescribed in 37 CFR 10.18.

## Certificates of Mailing Under 37 CFR 1.8

Parties submitting correspondence to the USPTO are reminded that 37 CFR 1.8 (certificate of mailing or transmission practice) does not provide for according a filing date as of the date of deposit with the USPS to correspondence submitted under 37 CFR 1.8. Therefore, it would be inappropriate to file a petition under 37 CFR 1.183 or 2.146(a)(5) and 2.148 to waive the requirements of 37 CFR 1.8.

Date: September 13, 2001

/s/

Nicholas P. Godici

Acting Under Secretary of Commerce for  
Intellectual Property and Acting Director of the  
United States Patent and Trademark Office

**NOTE:** Effective June 24, 2002, 37 C.F.R. §1.10(a) has been amended. The Express Mail procedure provided in 37 C.F.R. §1.10 no longer applies to any of the following trademark documents:

- Trademark/Service Mark Application under §1 or §44 of the Trademark Act, 15 U.S.C. §1051 or §1126
- Statement of Use under §1(d) of the Trademark Act, 15 U.S.C. §1051(d)
- Amendment to Allege Use under §1(c) of the Trademark Act, 15 U.S.C. §1051(c)
- Request for Extension of Time to File a Statement of Use under §1(d) of the Trademark Act, 15 U.S.C. §1051(d)
- Affidavit or Declaration of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. §1058
- Renewal Request under Section 9 of the Trademark Act, 15 U.S.C. §1059
- Combined Filing under Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059
- Combined Affidavit or Declaration under Sections 8 and 15 of the Trademark Act, 15 U.S.C. §§1058 and 1065
- Request to Change or Correct Address

If the documents listed above are filed by Express Mail, they will receive a filing date as of the date of receipt in the Office and not the date of deposit with the United States Postal Service. See notice at 67 Fed. Reg. 36099 (May 23, 2002).

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*Is there a question about what the USPTO can or cannot do that you cannot find an answer for? Send questions about USPTO programs and services to the USPTO Contact Center (UCC). You can suggest USPTO webpages or material you would like featured on this section by E-mail to the [webmaster@uspto.gov](mailto:webmaster@uspto.gov). While we cannot promise to accommodate all requests, your suggestions will be considered and may lead to other improvements on the website.*

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Uwe DINGERT  
SERIAL NO. : To be assigned  
FILED : Herewith  
FOR : WRINGING DEVICE FOR CLEANING ELEMENTS OF WET  
AND MOIST MOPS  
ART UNIT : To be assigned  
EXAMINER : To be assigned

Assistant Commissioner  
for Patents  
Washington, DC 20231

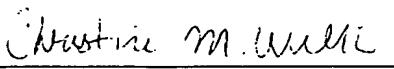
STATEMENT UNDER 35 U.S.C. § 21(A) AND 37 C.F.R. § 1.6(e)

Sir:

On September 13, 2001, the Director issued a notice designating the interruption in the service of the U.S. Postal Service in the borough of Manhattan (which started on September 12, 2001) as a postal service interruption and an emergency within the meaning of 35 U.S.C. § 21(a). On September 20, 2001, U.S. Postal Service may have been restored in the area covering the office of Kenyon & Kenyon located at One Broadway in the borough of Manhattan. As such, in accordance with 37 C.F.R. § 1.6(e), the attached correspondence is being filed promptly after the ending of the designated interruption. The attached correspondence would have been filed on September 13, 2001 if it were not for the U.S. Postal Service interruption and emergency.

Respectfully submitted,

Dated: September 21, 2001

  
Christine M. Wilkes  
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